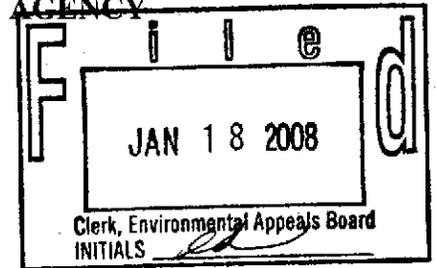


**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**



In re:)
)
Liston Brick Co.)
)
Docket No. CAA-09-2005-0018)
_____)

CAA Appeal No. 07-03

ORDER EXTENDING TIME TO FILE APPELLATE BRIEF

On January 16, 2008, Liston Brick Company (“Liston”), filed a notice of appeal from an Initial Decision issued by Administrative Law Judge Barbara A. Gunning (“ALJ”). Notice of Appeal [Concurrently Filed With Motion for Extension of Time to File Appellant Brief] (“Notice of Appeal”). The Initial Decision finds Liston liable for two violations of 40 C.F.R. part 63, subpart RRR (National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production) and section 112 of the Clean Air Act, 42 U.S.C. § 7412. In addition, the ALJ found Liston liable for two violations of Section 114 of the Clean Air Act, 42 U.S.C. § 7414, for failing to comply with requests for information. For these violations the ALJ assessed a civil administrative penalty of \$116,402.

Along with its Notice of Appeal, Liston has filed a motion seeking an extension of time to file an appellate brief in this matter. Motion for Extension of Time to File Appellate Brief (Jan. 16, 2008) (“Motion”). Liston states that the additional time is needed to “review the administrative record and prepare the corresponding brief.” Motion at 1. In addition, Liston states that the extension will not result in prejudice to any party. U.S. EPA Region 9, the complainant in this matter, does not oppose the extension.

Because we conclude that a 30-day extension will result in minimal disruption or delay to this proceeding, the Motion is granted. Liston's appellate brief must now be **filed** with the Board no later than February 19, 2008.¹

So ordered.

Dated:

January 18, 2008

ENVIRONMENTAL APPEALS BOARD

By:

for Anna L. Holquist

Scott C. Fulton
Environmental Appeals Judge

¹ Documents are "filed" with the Board on the date they are *received* by the Clerk of the Board.

CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing Order Extending Time to File Appellate Brief in the matter of Liston Brick Company, CAA Appeal No. 07-03, were sent to the following persons in the manner indicated:

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Dated: *1/18/2008*

Annette Duncan
for Annette Duncan
Secretary